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**OFFICE OF PETITIONS**

In re Application of :  
Hiller et al. :  
Application No. 10/799,569 : DECISION ON PETITION  
Filed: March 12, 2004 :  
Attorney Docket No. 2100.005300/HILLER 21-15 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 11, 2008, which will be treated as a petition to withdraw of the holding of abandonment in the above-identified application.

The petition to withdraw the holding of abandonment is **GRANTED**.

The above-identified application was held abandoned for failure to timely reply to the final Office action mailed June 21, 2007, which set a shortened statutory period for reply of three (3) months. A three-month extension of time and reply under the provisions of 37 CFR 1.136(a) was timely obtained on December 21, 2007 (Certificate of Mailing date). A Notice of Abandonment was mailed on December 28, 2007.

Petitioner contends that a response in the form of a Notice of Appeal and extension of time was timely filed on December 21, 2007 (Certificate of Mailing date). A review of the record shows that this is the case.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status. The petition to revive under 37 CFR 1.137(b) is hereby **DISMISSED AS MOOT**.

A petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 does not require a fee. Accordingly, the large entity \$1,620.00 petition fee submitted with the 1.137(b) will be credited to petitioner's Deposit Account in due course.

As petitioner also submitted a Request for Continued Examination (RCE) with the instant petition, this matter is being referred to Technology Center AU 2618 for further processing.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/  
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